

### **REMARKS/ARGUMENTS**

This Amendment is submitted in response to the Office Action mailed November 9, 2010. At that time, claims 1, 4-10, 12-22, and 24-31 were pending in the Application. Claims 2-3, 11, and 23 were previously cancelled. All pending claims stand rejected.

By this Amendment, independent claims 1, 13, and 25 and dependent claims 4, 5, 10, 12, 16, 17, 20, and 29-30 have been amended. Accordingly, claims 1, 4-10, 12-22, and 24-31 are presented for reconsideration by the Examiner.

#### **Interview**

Applicant expresses sincere thanks to Examiner Stransky and Examiner Jackson for the courtesy of the in-person interview with Applicant's representatives, Whit Johnson and Matt Bethards, on March 17, 2011, in which Applicant's proposed arguments and amendments were discussed in light of the art of record, including U.S. Patent No. 6,413,269 to Bui et al. and U.S. Patent Publication No. 2002/0183827 filed by Derus et al. Claim 1 and proposed amendments of the same were discussed. Agreement was reached that the proposed amendments overcome the cited references. Applicant has amended the claims in accordance with the proposed amendments and discussion of the same during the interview.

**Claim Rejections under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 1, 4, 5, 13-17, 25-28 and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,413,269 issued to Bui et al. ("Bui").

Claims 6, 8, 18, 20 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bui.

Claims 7, 9, 10, 12, 19, 21, 22, 24 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bui in view of U.S. Patent Publication No. 2002/0183827 filed by Derus et al. ("Derus").

Applicant has amended independent claim 1 to recite, *inter alia*, "wherein the first release member and the second release member are configured to be serially retracted to provide staged release of the stent." Independent claims 13 and 25 are amended to recite similar elements. Support for these amendments can be found in the Specification, for example, in paragraphs [0005]-[0006], [0013], and [0021].

Applicant has further amended independent claim 1 to recite "the distal end configured to receive the stent such that the stent is slidably disposed in the outer tubular member." Claims 13 and 25 are amended to recite similar elements. Support for these amendments can be found in the Specification, for example, in paragraph [0005].

The cited references, Bui and Derus, do not teach all the elements of the claims as amended. For example, Bui and Derus do not teach a first release member and a second release member configured to be serially retracted to provide staged release of a stent.

Bui is directed to a stent delivery system that provides an inner catheter tube (14), an outer catheter tube (15), and a sheath (16). Bui, col. 3, lines 53-61. A proximal handle (17) mounted on the proximal end of the inner catheter tube (14) and a proximal handle (18) mounted on the proximal end of the outer catheter tube (15) enable coaxial rotation of the inner catheter tube (14) relative to the outer catheter tube (15). *Id.*, col 3, lines 61-66. A proximal sheath handle (19) is coupled to the sheath to slide the sheath (16) relative to the inner catheter tube (14) and the outer catheter tube (15). *Id.*, col. 4, lines 1-4.

The proximal handle (17) and proximal handle (18) of Bui do not teach or suggest “the first release member and the second release member are configured to be serially retracted to provide staged release of the stent.” The proximal sheath (19) handle in combination with either proximal handle (17) or proximal handle (18) also does not teach or suggest “the first release member and the second release member are configured to be serially retracted to provide staged release of the stent.” The design and configuration of Bui simply do not contemplate the recited elements.

Derus does not cure the deficiency, nor does the Office assert otherwise. See Office Action, pp. 8-9.

Accordingly, Bui and Derus, individually or in combination, do not teach or suggest all the elements of claims 1, 13, and 25 as amended and, thus, do not anticipate or render obvious these claims. Furthermore, because dependent claims include all the elements of the claims from which they depend, Bui and Derus,

individually or in combination, similarly do not anticipate or render obvious claims 4-10, 12, 14-22, 24, and 26-31.

### **CONCLUSION**

Applicant respectfully asserts that the pending claims are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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